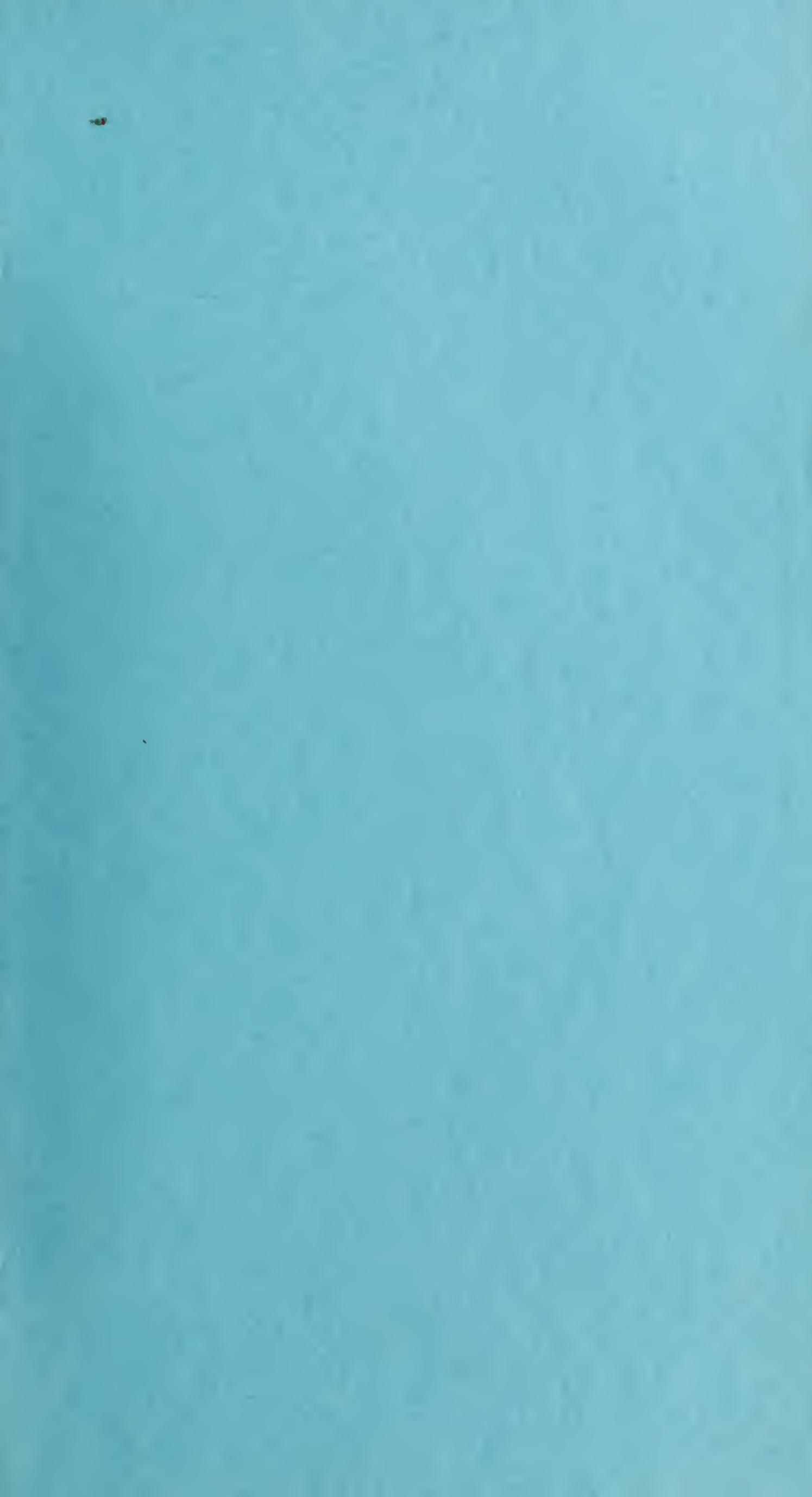






Digitized by the Internet Archive
in 2011 with funding from
Ontario Council of University Libraries

<http://www.archive.org/details/b249604>



}

ROYAL COMMISSION

APPOINTED TO

ENQUIRE INTO CONDITIONS AT THE DON JAIL,
TORONTO.

R E P O R T

OF

HIS HONOUR JUDGE IAN M. MACDONELL



TORONTO, December 5, 1952

TO:

The Honourable the Lieutenant-Governor
of Ontario, in Council.

Sir:

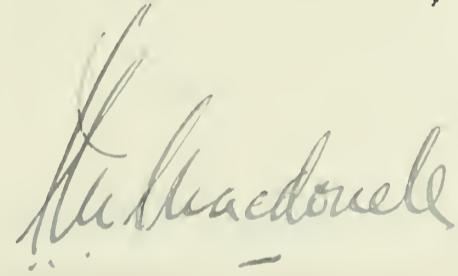
I have the honour to present you with
my Report upon the Inquiry into conditions at the
Toronto Jail, pursuant to Commission dated the
9th September, 1952.

Also submitted is a transcript of the
proceedings, together with the Exhibits filed.

I have the honour to be,

Sir,

Your obedient Servant,



Commissioner

TABLE OF CONTENTS

	<u>Page</u>
PART I	
<u>PRELIMINARY</u>	1
(i) Appointment and Terms of Reference	1
(ii) Events Leading up to Appointment	2
(iii) Investigation	6
PART II	
<u>CIRCUMSTANCES CONNECTED WITH ESCAPE</u>	
Method of Escape	8
Security Measures	13
Events Prior to Escape on Night of September 7-8. Guards on duty:	
Stephen Cresswell	17
William Starkey	18
William Charles Ewington	19
John McNulty	20
John A. Thompson	21
William J.G. Kendall	21
Gordon Paul	22
Joseph M. Corrigan	22
Saw Blades:	
(i) Dishonest Guards	24
(ii) Blades in Shoes	25
(iii) Workmen in Jail	25
(iv) Short-Term Prisoners	25
(v) Quoits	25
Keys	26
Clothing	27
No. 9 Hospital	28
Lights	28

	<u>Page</u>
<u>PART III</u>	
<u>CONTROL, MANAGEMENT AND ADMINISTRATION OF THE JAIL</u>	29
(a) City	29
(b) Sheriff of the County of York	30
(c) Provincial	32
<u>Morale of Staff</u>	
(i) Pensions	35
(ii) Days Off	35
(iii) Salaries	35
(iv) Status of Employees	37
(v) Adequacy of Staff	38
<u>PART IV</u>	
<u>ADEQUACY OF THE JAIL BUILDING</u>	39
Overcrowding	40
Security	41
Dining Room	42
Mental Hospital	42
Tombs Prison	43
<u>PART V.</u>	
<u>JAIL STAFF</u>	44
Duties	44
Discipline	44
Thomas W. Brand	45
George E. Jacobs	49
Alexander Noble	49
Alfred M. Bennett	50
William J. Woodside	50
John W. Johnson	51
George A. Heath	51
<u>Medical Staff</u>	
Dr. William H. Hills	51
Dr. Gordon A. McLarty	52

Page

PART VI

<u>TREATMENT AND DISCIPLINE OF PRISONERS</u>	53
Treatment	53
Comfort	54
Food	54
Clothing	55
Discipline	55
Exercise	56

PART VIII

<u>RECOMMENDATIONS</u>	58
------------------------------	----

List of Exhibits	62-65
------------------------	-------

ROYAL COMMISSION

APPOINTED TO ENQUIRE INTO CONDITIONS

AT THE DON JAIL, TORONTO

R E P O R T

PART I

PRELIMINARY

(i) Appointment and Terms of Reference.

By Royal Commission, dated the 9th day of September, 1952, I was appointed to enquire into and report upon:

- (a) all the circumstances in any way connected with the escape from Toronto Jail on or about September 8, 1952, of Steve Suchan, Leonard Jackson, Edwin Alonzo Boyd, and William Russell Jackson;
- (b) the control, management and administration of the Toronto Jail and all matters connected therewith or incidental thereto;
- (c) the adequacy of the building with respect to accommodation and security;
- (d) the appointment, duties, discipline and personal history of the jailor, turnkeys, guards and all other members of the staff; and
- (e) the treatment and discipline of the prisoners therein.

Although the above subjects necessarily overlap to a considerable extent, I shall endeavour in the following report to deal with the matter under headings corresponding to the divisions indicated in the Commission, and in the same order.

(ii) Events leading up to Appointment.

On Sunday, the 4th November, 1951, at 8.15 p.m., Leonard Jackson, Edwin Alonzo Boyd and William Russell Jackson escaped from the Toronto Jail by cutting a bar in a window facing on the exercise yard. The bar was cut by hacksaw blades operated by men taking turns, in an aperture between a screen and the window bars. Entrance to this aperture was made possible by other prisoners milling about providing a screen and distracting the attention of the guard. The prisoners used ropes made out of knotted sheets to descend into the yard, and they had a hook made of metal which they threw over the coping of the jail wall. This was possible as Boyd apparently had Commando training. After investigation two guards, who had been at the jail for many years, were dismissed for inattention, and the Governor, Mr. Charles Sanderson, was reprimanded. Subsequently, however, the two guards, because of their long service, were given non-custodial positions in another institution. Mr. Sanderson was given what might be regarded as a promotion: he was appointed Governor of Burwash Reformatory.

Fortunately, the men who escaped were recaptured during the ensuing months, but not before instances of shooting with the police, during one of which Sergeant of Detectives Edmond Tong, of the Toronto Police, was shot by Steve Suchan and Leonard Jackson. The escape of these dangerous criminals naturally caused considerable public apprehension, which was increased somewhat by the escape of one Cunningham in August, 1952. Cunningham had walked out while in a work gang, but was soon recaptured. As a result of Cunningham's escape, Mayor Lamport, of Toronto, wrote the Minister of Reform Institutions suggesting a conference, but after an interview

with the Deputy Minister he was reassured, and was content to leave matters in the hands of the Department (see Exhibits 14 and 15).

Boyd was returned to the jail on Saturday, the 15th March, 1952. On this date Colonel Basher, the Deputy Minister of the Department of Reform Institutions, went to the jail and discussed security precautions with the Governor, Thomas W. Brand, who had succeeded Sanderson as Governor in January, 1952.

Colonel Basher said he issued the following oral instructions:

- (1) It was agreed the safest place for Boyd and the other dangerous prisoners was in what is known as "No. 9 Hospital", a comparatively small room formerly used as a hospital, in which four cells had been inserted. There were two doors to No. 9 Hospital, one with the usual grill covering the cell corridor, and the other a wooden door with a small peephole, which could be locked and bolted.
- (2) The prisoners should not leave the corridor, and would be locked in the cells except for exercise periods in the corridor, under supervision.
- (3) All furniture should be removed from the corridor and the prisoners should be fed, and even have baths, in the corridor.
- (4) If Lawyers desired to see the prisoners they should do so at the grill.
- (5) On the special instructions of the Minister, the men should be kept under constant supervision at all times, and that the wooden door should be kept open for that purpose.

I do not think there is the slightest doubt

that if these precautions had been taken a subsequent escape would have been impossible. Unfortunately, as we shall see, not one of the above steps was enforced.

It is greatly to be regretted that Colonel Basher did not issue the above instructions in the form of written orders, which could also have been given to his Inspectors to ensure that the orders were carried out. During the interim period between escapes, three inspections of the jail were made by the Inspection Branch. All Inspectors testified that they had received no word of the special instructions, and it is clear that they would certainly have observed that the instructions were not being carried out. Only routine inspections were made, and the impression which I gained at the hearings was that emphasis was being placed on interior economy rather than security matters. Colonel Basher also said he did not recall telling the Sheriff of the County of the special instructions.

In his evidence, Mr. Brand indicated that what took place was more in the nature of a discussion than the issue of orders by Colonel Basher, but he acknowledged that it had been agreed that the men should be under constant supervision and that the wooden door should be open at all times except while prisoners from No. 9 Corridor, which is around the corner from No. 9 Hospital, were passing the entrance to No. 9 Hospital. He said that after the discussion with Colonel Brasher he issued orders accordingly. At first he testified that he had given oral instructions re the men in No. 9 Hospital to all the Chief Turnkeys. He subsequently stated that the instructions had been put in force by giving them to Mr. George E. Jacobs, the Senior Deputy Governor, with orders to pass them on to Mr. Alexander Noble, the Deputy Governor, who carried

out the duties of Chief Turnkey at night, and the four Chief Turnkeys, who divided the two day shifts and relieved Mr. Noble on his night off.

Next after Boyd, Leonard Jackson was returned to the jail in a cast. At first he had to be placed in No. 3 Hospital because of his condition. It might be remarked in passing that after the second escape, as a result of information from prisoners, hacksaw blades were found on the window ledge of No. 3 Hospital, and the sawing of bars had commenced.

Suchan came in around the 3rd of April, and was put in No. 9 Hospital with Boyd, both because of security and because he was not well. Later he had to go to the Toronto General Hospital, with three special guards on duty eight hours each. Subsequently he was returned to No. 9 Hospital. The two Jacksons finally were placed in the other two cells in the hospital corridor.

On Monday morning, the 8th of September, 1952, the guard going on duty at No. 9 Corridor, on the first day shift about 7 a.m., found that all four prisoners in No. 9 Hospital had escaped.

The second escape of the same men naturally caused a wide public outcry, particularly as the murder trial of Suchan and L. Jackson was set for Tuesday, September 9th.

It is singular that the escape was not effected in a slack period, but in one of tension in which an escape was feared.

An investigation was commenced on the morning ✓ of September 18th by Mr. T.M.Gourlay, Chief Inspector of Prisons, Department of Reform Institutions, and lasted all day and night. In addition to Mr. Gourlay, witnesses were questioned by The Hon. J.W.Foote, V.C., Minister of

Reform Institutions; Colonel G.H.Basher, O.B.E., Deputy Minister of Reform Institutions; Colonel J.D.Conover, Sheriff of the County of York and City of Toronto, and Inspector of Detectives J. Nimmo, of the Toronto Police Department.

Subsequently, on instructions of the Prime Minister, Governor Brand, Deputy Governor Noble, and the guards who had been on duty the night of the escape, were suspended, and the Royal Commission was promptly authorized. Colonel Basher, the Deputy Minister, took over close supervision of the jail, appointing Mr. John A. Graham, the Governor of Mimico Reformatory, as Acting Governor. The staff of guards was reinforced by members of the Ontario Provincial Police.

(iii) Investigation.

Counsel for the Commission were promptly appointed, and it was decided that hearings would commence at the earliest possible date. Counsel, with the assistance of experienced police, prepared to present the case. On September 17th the Inquiry opened in York County Council Chamber, with Messrs. J.W.Pickup, Q.C., C.P. Hope, Q.C., and J.D.Pickup appearing as Counsel for the Commission. It was disclosed that the four escaped prisoners had been recaptured and re-admitted to the jail early on the morning of the hearing. It was also learned that it had been decided to proceed at once with the murder trial of Suchan and Jackson, and that every effort would be made to dispose of the other charges against all four prisoners as early as possible.

While the scope of reference was in no way affected by the recapture of the prisoners, it was considered that reportsof the hearings of the Commission appearing at the same time in the press as reports of the trials, as well as other factors, might well interfere

P 18 Don jail report.

Exhibits from
a criminal part
of this report.

with fair trials of the prisoners. It was therefore decided to postpone hearings until trials of all charges had been completed. This resulted in an unfortunate but unavoidable delay.

On September 18th the Commissioner, accompanied by Counsel, visited the jail and made a close examination, interviewing the Acting Governor and the Chief Turnkey on duty. Particular attention was paid to No. 9 Hospital, on which repairs were already being made.

It was not found possible to resume the hearings until Monday, October 20th, when they were opened in the Judge's Chambers, at the City Hall. In the interim Mr. J.W.Pickup, Q.C., the Senior Counsel for the Commission, had been appointed Chief Justice of Ontario. He was replaced by Mr. George T. Walsh, Q.C., who continued to be assisted by Messrs. C.P. Hope, Q.C., and J.D. Pickup. Mr. John Deacon appeared as Counsel for the City of Toronto.

Sittings were held continuously, with only two days intermission, until they were completed on November 18th. Over sixty witnesses were called, some of them several times, and eighty-three Exhibits were filed. These Exhibits have not been copied, as some of those in writing are quite voluminous; also some, such as an excellent and useful model of the jail, made by Det. Sgt. Inglis of the Toronto Police, are material objects. Nevertheless they form a material part of this report.

PART IICIRCUMSTANCES CONNECTED WITH ESCAPEMethod of Escape.

It is clear that the escaped prisoners were last seen in their cells on the last round of the guards at 4.45 a.m. on the morning of the escape. At that time the wooden door to the corridor was locked and bolted. The escape was not reported or noticed by the night staff which went off duty at 7 a.m. This was due to the fact that it was not the practice for the relieving officer in charge to make a tour with the one relieved and make a check. Evidently Governor Brand believed this was done, as it was required by the Regulations, but he had never noticed the omission of this procedure.

Guard George M. Hutchison, who was slated for the morning shift, came on duty at 6.55 a.m. He went straight to No. 9 Hospital, with the key for the wooden door and the cells, accompanied by his partner on duty. He opened the wooden door and saw that four bars had been sawed from the window in the corridor nearest to the grill, and that the prisoners had gone. The cells were closed, but not locked. Three bars were found in the corridor and one in William Jackson's cell. There was a small amount of iron filings on the windowsill, some of which were fresh, and some a little older. Also found on the sill were some pieces of cardboard, which might have been cut from a cigarette box. These pieces would fit the saw cuts in the bars. He noticed dissolved soap in the basin in Boyd's cell. The beds were cold, but one pillow was said to be slightly warm. There were two benches, one on top of the other,

under the escape window; also a table was located underneath a listening microphone which had been installed in the corridor, and there was a pillow on the table. Hutchison at once reported to the Chief Turnkey and an extensive hunt for the prisoners was instituted.

Close examination was subsequently made of the top of a dividing wall which leads to the sidewall of the jail, a few feet from the window referred to. This wall separates what is known as the graveyard from the service yard of the jail. It runs for a few feet in an easterly direction, and then northerly to intersect the main wall on the northerly boundary of the jail property. The brick walls are fifteen feet high and twenty two and a half inches wide at the top. The tops are slightly pointed in the centre, but there would be no difficulty in walking on them. A piece of shingle on the top of the wall near the window was slightly disturbed, and pigeon dirt was smudged. The other dirt on the wall was reported hard to disturb.

For some days no trace was found of the escaped prisoners. They were finally arrested in a search of some deserted farm buildings in the Township of North York on the evening of September 16th.

Police at the time of arrest found on Boyd a metal key which was later found to open the cell doors in No. 9 Hospital. It was of thinner metal, but a clever copy of the regular key. Also found were guns and ammunition.

Boyd and Suchan were quite willing to talk and gave full details of the method of escape to the police. As Suchan and Leonard Jackson were sentenced to death in the week after they were recaptured, no attempt was made to obtain other statements from them. Boyd and William Jackson, however, gave a full statement

later (on October 14th) to Inspector Kelly of the Provincial Police, on being informed that he was fact finding for the Royal Commission. The various statements, although given in the absence of the other prisoners, corresponded to a remarkable degree even in immaterial details. A summary is as follows:

Boyd said he tried four keys before the one was made which was found on him. This is borne out by the fact that a wooden dummy, which would fit the keyhole but would not turn the lock, was found hidden in the cell. They tried to make keys out of a cup handle, shoe horn, etc. and were going to give up until they found a piece of metal under a wooden sill beneath the radiator. Boyd alleged that the key was finally made by observing the key which was brought in by the guards. They had a small piece of a file and used a hacksaw blade to form the key. The cutting of the bars was done between 5 a.m. and 7 a.m. with hacksaw blades. Boyd said they were actually cutting for four weeks before their escape. After they cut the bars they made a paste of melted soap and sandy dirt off the window to match the paint on the bars. He said there were not many filings as they had no handle for the hacksaw blades.

They finally escaped through the window, onto the wall, about 5 a.m. Edwin Boyd went first, William Jackson second, Leonard Jackson third, and Suchan fourth. It was said to the police that the others hoped Suchan would not make it, as "he was the cause of Len's trouble." They walked to the junction of the boundary wall and then along that wall to the roof of a garage at the north-east corner of the graveyard, where they waited for an hour. They watched two police who were patrolling the north wall of the jail, from stations

at the north-west and north-east corners. They watched until nearly six o'clock before the police came together and there was a relief at the north-east corner of the jail. About 6 a.m. one officer went back to his post at the north-west corner and another officer, who had just come on duty, walked around the front of the jail to contact the outside jail guard. When a motorcycle left with the relieved officer they jumped down over the east side of the wall and proceeded to the Don Valley. They went up the valley and were chased by a police officer about 8.30 or 8.45 a.m. near Leaside station. It is indicated they separated but finally assembled in the deserted barn, where they were captured later. Jackson was said to have disappeared for a day, returning with a new artificial foot and the guns. When captured Jackson had on ordinary clothing under his jail clothes.

At first this story was doubted and it was thought the prisoners might have escaped by some other route with inside assistance. For instance, there was a feasible route from No. 9 Hospital downstairs to the basement, thence through a door to the scullery and out into the coalyard. Another feasible route was through a locked door to the graveyard. The most promising alternative was to pass through a corridor, passing the showerbaths, and into a hall known as the "bull-pen", and hence out through the receiving door. Of course, for each route a number of doors would have to be unlocked.

After hearing all the evidence, I have no hesitation whatsoever in finding that the way of escape as related by the prisoners was substantially correct. This opinion is in accordance with the unanimous view

of the experienced officers of the Department and the investigating police who were called to testify. As I have pointed out, although the stories were given apart from each other, they are almost identical. Also there is a large amount of corroborative evidence, and this evidence verifies facts which could not possibly have been known to the prisoners at the time of the recapture unless they had been in a position to make the observations at the places and times related.

I do not think it would be of advantage for me to outline all the corroborative evidence, but some of the most important items are as follows:

- (a) The description of the movements of the police outside the jail at the time of escape corresponds almost exactly with the evidence given by the officers who were on duty.
- (b) The chase around Leaside station was unknown to the police investigating the escape until they were informed of it by the prisoners. On hearing of it they interviewed the C.N.R. officer on duty at Leaside station at the time, and his evidence was substantially in accordance with that of the prisoners.
- (c) A wooden model was made of the aperture through the window, which at first appeared too small for a man to pass through. Experiments were made by two well-built police officers, each over six feet, and they were able to get through the window, with small difficulty, in the manner described by the prisoners.
- (d) Leonard Jackson, on his second admission, had been deprived of his artificial foot as a



security measure. On X-ray examination the foot was found to have a hacksaw blade hidden in it. Enquiries were made as to how Jackson could have climbed along the wall, jumped off and make his way through the Don Valley, for a number of miles, without a foot. The police were informed that a tin cup had been used, padded with socks and torn newspaper. Newspaper torn in the manner already described had been found in the cell, and socks soiled as might be expected were also located. The tin cup was found in the barn in a position described to the officers. (Exhibit 69)

In addition, it seemed extremely unlikely that the prisoners would go to all the trouble described, and undergo the risk involved, solely for the purpose of covering up their actual means of escape. While it is possible that all the necessary keys might have been collected in the hands of the officer in charge of the night shift, the passage of four men was a very risky business. Also, in view of the opinion I have formed of the character of the officers involved, I think this possibility must be excluded.

Security Measures.

In addition to the foregoing, after listening to a great mass of evidence, it is obvious that the security measures in force at the time of the escape would make an escape as described, although risky, quite possible. It is necessary for me to go into these in some detail.

The special security measures prescribed by Colonel Basher, the Deputy Minister, have already been set out in Part I, page 3.

At first Boyd was apparently kept in his cell as described. In the middle of April, Boyd's Lawyer complained that his health might suffer, as apparently it would be some time before he could be brought to trial. The Lawyer's letter was passed on from the Sheriff to Colonel Basher. Even before this correspondence it appears that Boyd had been taken into the jail yard for exercise, apart from the other prisoners, contrary to the instructions. This was not objected to by Colonel Basher, who also authorized that Boyd be allowed "some limited freedom within the confines of No. 9 Hospital." This appears to have resulted in Boyd and the others, when they reached No. 9 Hospital, being allowed in the corridor all day. Their cell doors were open at all times except at night when they were locked in their cells, as were all other prisoners. It should be pointed out that if the prisoners were in the cells they could not be seen by the guard outside the end of the corridor. There is no doubt also that furniture was kept in the cells.

As previously related, Mr. Brand said he told the Chief Turnkeys to pass on the security instructions. Even Mr. Jacobs, the Senior Deputy Governor, who appeared anxious to back up Mr. Brand, does not agree that he got any such instructions, or was told to pass them on. Jacobs, Noble, and the four Chief Turnkeys - Bennett, Woodside, Johnson and Heath, were all contradictory as to what orders were received, in fact they indicated there was considerable confusion. All agreed they had been told to be particularly careful as these were dangerous prisoners. None acknowledged that they were told to have a man outside the door of No. 9 Hospital at all times, in fact all agreed that

this would be impossible with the staff available. Mr. Brand alone said if there was not constant supervision this was against his orders, but even his evidence indicates that the men were not available to carry this out.

The evidence is also extremely conflicting about keeping the wooden door open at all times. Written orders in the Order Book, which were never changed, required that it be closed. Mr. Brand said that for the first month after Boyd came in it was kept closed, as it was desired to isolate the occupants of the Hospital from the other prisoners, but he said on the expiration of the month he gave orders that it was to be open at all times except when prisoners were coming from No. 9 Corridor and were passing the door of the Hospital. Only one of the Chief Turnkeys seems to agree that the door was to be kept open as described by Mr. Brand. I have no hesitation in finding on the evidence that no change was ever made of the practice which had been in force for a long time. During the night shift, between 5 a.m. and 7 a.m., particularly on Monday mornings, the work of those on duty became extremely heavy. The prisoners who were to prepare breakfast had to be aroused, and the preparation of breakfast commenced; the prisoners for court had to be awakened and fed. As a result of the foregoing, the wooden door of No. 9 Hospital was locked at the time of the last punch of the time clock before 5 a.m. and only by chance was there any observation inside No. 9 Hospital from 5 a.m. until the day shift came on at 7 a.m. I think it is obvious that this became known to the prisoners, and was one of the principal factors which made the escape possible.

Events Prior to Escape on Night of September 7-8.

In order to understand the situation at night, it is necessary to go back to the regime of Governor Sanderson. For reasons which were not very convincing as related in evidence, he decided to relieve Mr. Noble of his duties as Chief Turnkey during the day shifts, which were considered the most important. At first he put him on unimportant work, such as censoring mail, etc. Finally, about a month before Mr. Sanderson left, Mr. Noble was placed permanently in charge of the night shift, except on nights off, when he was relieved by Mr. Jacobs or one of the Chief Turnkeys. During his term of office, in order to make a better distribution of the staff, which was admittedly short at all times, Mr. Sanderson reduced the night staff to twelve men, and instituted a patrol system. Mr. Noble at once objected to this in writing, contending that more men were needed at night, but the staff remained at a maximum of twelve. (See Exhibit 60 - Instructions Governor Sanderson to Mr. Noble, December 8, 1951). This number was reduced by days off, holidays, illness and absenteeism; often as low as five men would report, who sometimes had to look after as many as five to six hundred prisoners from 11 o'clock at night until 7 o'clock in the morning. That such a staff is adequate is contrary to all common sense.

In addition to the lack of men, Noble complains that he did have four good men on the night shift and found them all gone on his return from holidays.

Both Jacobs and Noble stated that they

complained to Mr. Brand about the lack of staff. Mr. Brand agreed the staff was low, but mentioned the difficulty in obtaining replacements. While Mr. Brand did not say he had informed Colonel Brasher that he could not carry out the special security arrangements by reason of lack of staff, he did obtain from the Department authority for more guards in the Summer of 1952. However, due to turnover, a net increase of two was the largest that took place. The attendance records, which Mr. Brand said he looked at every day, clearly show the small number of men on duty at night. Both Jacobs and Noble stated that this situation was known to the Governor, and in fact there were occasions when he had given instructions authorizing men to have time off, which reduced, in Mr. Noble's opinion, the night staff below the danger point. I do not think either Mr. Sanderson or Mr. Brand fully realized the situation at night, particularly between the hours of 5 a.m. and 7 a.m., when, there is no doubt in my mind, there was not sufficient staff to carry out the extra security in No. 9 Hospital, having regard to the fact that there were many other dangerous prisoners in the jail. Mr. Brand was in the jail at night only two or three times, and never between 5 a.m. and 7 a.m.

On the night of the escape there were eight men on duty in charge of Noble:

Stephen Cresswell. This guard had been at one time a Deputy Governor, but had been demoted. His regular duty was to patrol the outside of the jail from 11 p.m. to 6 a.m., less an hour for lunch. At 6 a.m. he came in to assist with the prisoners. His duties were to patrol around the jail and punch four stations, one in each corner of the outside wall. On the night of the escape

apparently he duly made his rounds and contacted two policemen who were patrolling the jail at the back. As we have seen, he was in front of the jail going off duty at 6 a.m. and therefore did not see the prisoners get down off the east wall. In any event, it was dark at 6 a.m. Also Cresswell stated he mainly directed his attention to the front of the jail, as the police were at the back. Cresswell and the policemen all were of the opinion that their main worry was attempts at rescue by persons outside the jail; the policemen were not apprehensive of a second escape, as they believed that adequate precautions were being taken by the jail staff.

William Starkey - a guard since 1927, was stationed at the front door. He had three doors to look after, - the outside door, the grill just inside the outside door, and a grill into the main rotunda, or "dome". He had charge of the jail keys, but apparently did not check which guards took them. His duties also were (while not otherwise engaged) to listen in the Governor's office to the microphone listening in to No. 9 Hospital. He was relieved by guard Ewington from 2.30 a.m. to 3.30 a.m., and when he returned he was told by Ewington that he had heard a banging noise in No. 9 Hospital; this had been reported to Noble, who had gone to the Hospital to investigate. Earlier in the evening Starkey had received a telephone call from Det. Sgt. Bolton, in charge of Toronto Police Headquarters, College Street, asking if anything was wrong. Apparently Bolton had made similar checks before, as he was apprehensive of an escape attempt. This call was reported to Noble. Starkey was busy at the inside gate from 5.30 to 6.10 a.m. As prisoners were loose in the rotunda no one was listening to the microphone at that time.

William Charles Ewington had been at the jail since 1951, and was detailed for what is known as Kitchen Duties on the night of September 7-8. He relieved Cresswell at 1.30 for luncheon period as outside guard; he went in at 2.30 and relieved Starkey for his lunch period. At 2.45 a.m. he heard slight metallic noises over the microphone, as if someone were handling something, and then a loud pounding noise. He became alarmed and phoned Noble at the picket box. Noble told him to stay and listen by the microphone and he would go to No. 9 Hospital. Noble returned at 3.30 a.m. and asked Ewington if he had heard any more. Ewington replied that he had not, and Noble said he himself had not heard a sound. At 3.45 a.m. Ewington went into the rotunda and started to make out the morning count of the men he had to feed. It should be explained that the Kitchan man was considered a heavy job, and a capable man was needed. Ewington proceeded with his work, waking up men and seeing that breakfast was provided for those who had to be fed. One hundred and ten extra men had to be fed that morning.

It will be seen that it was essential that three men should be detailed each night for the above duties. Any other men on duty are used for inside patrol. The custom was that four men were on regular patrol duty; if other men were available they would be used on relief. Also, if a man was available, he was often sent to watch outside No. 9 Hospital.

On the night of September 7-8 there were five men inside, one acting as relief. The men patrolled in pairs, first taking one wing and then the other. If they were not on other duties the two men not on patrol were posted outside No. 9 and No. 3 corridors,

as these contained most of the penitentiary type of prisoners.

Each round takes approximately twenty five minutes, although the times are staggered slightly. At the end of each corridor, including No. 9 Hospital, one man, who has the keys, unlocks the door, and lets the other guard in to punch the time clock which he carries.

John McNulty was one of the other guards on duty on the night of the escape. He is 50 years of age, and has been five years on the staff, mostly on night duty. He started off the night paired with guard Thomson. The other team was guards Paul and Kendall, with guard Corrigan on relief. Noble accompanied McNulty and Thompson on the first visit to No. 9 Hospital at 11.10 p.m. There was a night light in the hospital. The usual routine was followed - flashlights were turned on the men in their cells and also on the windows and bars. While McNulty cannot remember whether the wooden door was open or closed in the early part of the night, he agreed with the overwhelming weight of other evidence that it was always locked on the last punch, in accordance with long standing orders from all the Chief Turnkeys. He considered that the prisoners would know this well. McNulty said that the guard not on round or otherwise engaged would be sent to the platform outside No. 9 Hospital. He was so placed at 2.16 a.m., 2.48 a.m. and 3.19 a.m. At 3.35 a.m. while he and his partner were punching the clock they let Noble into No. 9 Hospital. He said Noble stood in front of the door until 4 a.m. because of the noises. Noble told them to be quiet as he did not wish to disclose that he was listening outside the corridor. McNulty also said he tried the door of No. 9 Hospital and looked into the

peephole when they went to get prisoners from No. 9 corridor, at 6.30 a.m. He said the cell doors were closed, but it was a very dim light and he could not see anything.

John A. Thompson was only employed on August 17, 1952, and was put on night duty at once. As already stated, he made his first round with McNulty, and Noble accompanied them. McNulty stayed outside No. 9 after the round was completed. Thompson made a round about 2 a.m. with Corrigan, at which time Noble was in the rotunda. Later, about 3 a.m., Noble told Thompson to come with him as he had heard a noise. They went to the landing, finding McNulty there. Noble waited until the round came around with the clock and went inside. He remembers Noble saying someone had called and it was necessary to be particularly careful throughout the night. He said he stayed on the landing with Noble until 3.40 a.m. when he started the next round, and that Noble was still there when they got back at 4.10 a.m. He says that this Monday morning was the busiest since he had been there, as there were 25 to 30 men in beds in each corridor, apart from the Kingston corridors.

William J.G.Kendall had been a guard for three years, mostly on night duty. He was at first teamed with Paul and said that Noble went in with him on his next visit to No. 9 Hospital when he made his punch. He said no one was left in front of the hospital on this round, but on his round about 2.45 a.m. he saw Noble and Thompson listening outside No. 9 Hospital. The last punch was made at 4.45 a.m. when no one was outside the door. Paul went in and made the usual check. Kendall says he locked the wooden door with the key which he obtained from

the night key cabinet. Kendall was positive that Noble had told him to lock the wooden door on the last round and that he had done this when all the other Chief Turnkeys and Deputy Governor Jacobs were relieving at night: no Chief Turnkey had ever told him to leave the door open from 5 a.m. to 7 a.m. He remarked that he heard Leonard Jackson ask Paul the time about 2.30 a.m. and that it was usual when giving the time that it be varied a little bit either way.

Gordon Paul had only been on the staff since August 22nd 1952, and had always been on night duty. He commenced rounds with Kendall and says that he remained in the "dome" between rounds. On one of his rounds Leonard Jackson asked him if he could keep a little quieter, but he did not reply. On his last trip, about 4.30 a.m., he saw all four faces of the prisoners. He said he could not just remember seeing anyone posted outside No. 9 Hospital that night.

Joseph M. Corrigan came from Scotland, and commenced working at the jail on the 12th May, 1952, shortly after his arrival from Scotland. He started on night duty the last ten days of August. He made it clear that it was necessary during the first punch round to make a count of the prisoners and inspect the punishment cells and the basement. As he was relief man he had to fill in on a number of duties, besides relieving on the rounds. He remembers seeing McNulty on the landing with a view into No. 9 Hospital, and later seeing Noble, Thompson and McNulty on this landing. He was motioned to keep quiet so that their presence would not be known to the prisoners. On a later punch he saw Noble, Thompson and Kendall there. Later he relieved on the front door

and heard about the noise from Ewington. He listened at the microphone but reported all quiet to Starkey, who took over from him.

It will be seen from the above that two of the men on duty had practically no experience, and one had very little. I did not form a particularly high opinion of the ability of two others, and the most efficient man had to be placed on kitchen duties. Under the circumstances, I think Mr. Noble, who was in charge, did the best he could. In his evidence Mr. Brand was very definite in laying the blame for the escape on Noble. Colonel Basher appeared to concur in this to some extent. I do not find this is justified. I think it is obvious that if the door of No. 9 Hospital had been left open with a guard outside, between the hours of 5 a.m. and 7 a.m., the escape would not have been possible, and I cannot find that steps were taken by Mr. Brand to ensure that this was done. The routine for guarding dangerous prisoners full time was well established. It was always adopted when No. 9 Hospital was used as a death cell: three extra guards, one for each shift, were detailed to sit outside the grill, with the wooden door open. When Suchan went to the Toronto General Hospital three men were detailed for guard duty. I asked Mr. Brand why the same men could not have been put outside No. 9 Hospital. His reply was that the holiday period was at hand and he had not sufficient men. I fully realize that Mr. Brand was trying to do the best he could under trying conditions, which I shall go into more fully later, but it seems to me that the failure to keep the four prisoners under constant observation must rest on

his shoulders. If he had not sufficient men to carry out Colonel Basher's instructions, he should have so informed Colonel Basher.

Saw Blades.

It is of course obvious that the escape would not have been possible if saw blades had not been obtained by the prisoners. It is clear, however, that it has been possible for some time for saw blades to get into the jail. Some of the ways in which this might be effected are as follows:

(i) Dishonest Guards.

A guard by the name of Morrison, who had been hired in May 1952, fell under suspicion. He had been seen in conversation with Leonard Jackson when he was confined in No. 3 Hospital. When accused he admitted that he had agreed to help Jackson get out. He said he supplied Jackson with a screwdriver, and carried letters between Jackson and his wife. He was communicated with by one Watson, who had been a prisoner at the jail and was on bail. Watson was well-known as a bad character; at the present time he is serving an extended term in Kingston Penitentiary for bribing Morrison, and for counterfeiting. Morrison said he received a number of the right type of saw blades from Watson. He was firm, however, in saying he never gave these to Jackson, but on instructions gave them to Jackson's wife. Jackson's wife testified that she never received any blades from Morrison. There is a distinct possibility that she was telling the truth, and that the blades were smuggled in by Morrison. Although there is no definite evidence to bring home dishonesty to any other guards, at least one,

who was said to have been seen talking to Watson and Morrison, is under suspicion. It is also clear that Jackson made a number of overtures to guards, who said they refused to have anything to do with him.

(ii) Blades in Shoes.

We have already seen that a blade was brought in in Jackson's false foot. Care is being taken to try and detect blades in shoes, but this is always a possibility. In fact, at the time of the escape steps were being taken by the Sheriff and the City to obtain a fluoroscope machine for detecting blades.

(iii) Workmen in Jail.

From time to time there are a number of workmen making repairs in the jail, who might smuggle in blades.

(iv) Short-Term Prisoners.

The staff are at all times apprehensive that contraband might be brought in by short-term prisoners, and by some means passed along to the more dangerous prisoners. In this connection, it should be observed that in order to raise the morale of the prisoners by occupying their time, certain games were introduced which sometimes resulted in teams going from one corridor to another. This practice has now, I believe, been discontinued.

(v) Quoits.

In order to improve the morale of prisoners, they were not forced to walk around the exercise yard, and a game of quoits was instituted. These quoits were made from pieces of ordinary rubber hose, wired in the form of a circle: there were at times about 20 of them

lying around the yard. There was gossip in the jail among prisoners at the time of the escape that the blades for the escape of Boyd et al had been brought in by means of secreting them in quoits and throwing them over the jail wall. The evidence indicates this was a distinct possibility; while prisoners are searched after exercise they are not stripped.

(vi) Keys.

It is evident that a key to the cells of No. 9 Hospital was essential to the escape. The key, as we have seen, was an improvised one, and was found on Boyd when arrested. Boyd said it was made from metal which he found under a sill of wood in the cell. I doubt very much if this is the truth. In all probability the piece of metal was obtained from outside as were the saw blades. I do not think Boyd's story that the key was made simply by observing the keys in the hands of the guards should be credited. Expert evidence indicated, however, that it would be possible to make a key by putting grease on a piece of metal which would fit into the lock and then observing where the lands and grooves of the lock interfered with the grease. It was possible for prisoners locked in the cells to put their hands through the bars and reach the lock. Boyd said he had a file as well as the hacksaw blades. I think, however, there are distinct possibilities that the prisoners, or someone outside, could have obtained possession of one of the keys of the cells of No. 9 Hospital, which were kept in the key cabinets.

In my opinion the system of handling the keys in the jail was grossly inefficient. In fact, no one seemed to know how many keys there were and no one was responsible

for their custody. The keys were kept in three cabinets located in the corridor outside the Governor's office. The man on the door was supposed to be in charge of the keys, but I think it was established on the evidence that anyone on the custodial staff could help himself to any keys desired at any time. This is particularly so at night. Starkey, the guard on duty on the door at night, was decidedly vague about the keys. In fact, he said there were only two cabinets, whereas as a matter of fact there are three.

The estimates of the number of keys to the cells in No. 9 Hospital in existence varied from two to four. Some thought that two were in the key cabinets, one for day and one for night use, and that two were locked up in a safe in the Governor's office. However, about the time of the escape a third key was found hanging in one of the cabinets.

Clothing.

When prisoners are admitted to the jail they are at once put into jail clothing, including underwear and boots. The outer clothing is made out of blue denim, indistinguishable from that in general use by working men. Consequently a prisoner once he has passed the jail door could walk along the street without the slightest suspicion being aroused. It appears that the practice of using specially marked clothing was discontinued about twenty five years ago owing to a change of policy in the Department. This has been adopted as a matter of reform generally in penal institutions. It is doubted whether this report will affect this established policy, but I feel I should express my considered view that distinctive clothing is desirable as a security

measure in institutions such as the Don Jail.

No. 9 Hospital.

All parties seem to agree that this was the safest place in the jail. Here again, however, the element of luck favoured the prisoners. During the regime some years ago of Colonel Basher as Governor, another escape took place out of the same window, using the wall as a means of escape. Colonel Basher therefore had the window bricked up and extra security type bars placed on the other windows. However, at a later date the window at the end of the room was closed, and to provide more ventilation the brickwork was removed, hence old bars of a soft type of steel were all that the prisoners had to cope with. These facts were apparently overlooked, or were unknown, to the present senior officers of the staff. Actually, the escape window was chosen by the prisoners because it was thought more difficult to observe by the guards.

Lights.

There are lights on the outside of the jail building which light up the yards at the rear of the jail, but apparently these were not used except when there were men in the exercise yard. Other lights were provided at the top of the boundary walls, but those shone outwards, and all witnesses agreed that they would make it impossible for persons patrolling outside of the walls to see anyone on the top. This condition has been remedied since the escape. It should also be remarked that the window of No. 9 Hospital was not visible to outside patrols unless they walked back a considerable distance from the walls. No one had it under observation on the night of the escape.

PART IIICONTROL, MANAGEMENT AND ADMINISTRATION
OF THE JAIL.

The relevant statutes of the Province of Ontario relating to the control of the jail have been collected and filed as Exhibit 2. There is what might be termed a three-fold control:

(a) City.

From early times in this Province it has been the responsibility of the County to maintain a court house and a county jail. The Municipal Act, R.S.O. (1950) Chapter 243, section 367, also enables a City to erect a jail. In the County of York the City Jail, or Don Jail as it is known, is used as the jail for both the County and the City of Toronto. The statutory liability to provide for the jail is assumed by the City, which is reimbursed by the County for its share. The Municipal Council is required to "keep the jail in repair and provide the food, fuel and other supplies required for it." The Municipal Act further provides that the "care" of the jail or court house of a city shall be regulated by Bylaw of its Council - (section 373).

Expenses of the Toronto Jail are looked after by the City Property Department, under the direction of the Board of Control. The City Paymaster also pays the salaries of the employees. The City is reimbursed by the Province to some extent of the cost of maintenance of prisoners charged with certain offences. I do not think the terms of reference require that I should enter into the division of cost as between the Province and the Municipality.

The evidence indicates that the Provincial officials, the Sheriff and the Governor have always been satisfied with the co-operation of the Property Department. Supplies and maintenance have been adequate, and every effort is made to carry out suggestions.

On the other hand, the jail is inspected several times each year by Supreme and County Court Grand Juries, whose presentments are forwarded to the Board of Control. For years these presentments have condemned the accommodation and conditions at the jail, but their representations have been ignored (see Exhibit 40).

(b) The Sheriff of the County of York.

The Municipal Act, (section 369, ss.1) also provides that the Sheriff shall have the "care" of the County Jail, which would appear to be somewhat contradictory to section 373 referred to above.

In practice in the County of York, the Sheriff acts as liaison between the Governor of the jail and the Department of Reform Institutions, although in some matters they deal directly. The Sheriff, largely through his deputy, exercises general supervision of the jail.

Up to 1948 the Sheriff hired the guards and made appointments in theory, but never actually did so. Since that time he has interviewed applicants for guards and if they are considered possibilities he sends them to the Governor. If the Governor agrees that an applicant is acceptable he has him given a medical examination and returns him to the Sheriff's office. A detailed application form is made out and at least two references obtained. The documents are then forwarded to the Department with recommendation for appointment by

Order-in-Council. Apparently criminal records are only verified in cases of suspicion. However, there is no case on record where a guard with a criminal record has been hired. Unfortunately, due to working conditions, and in particular low wages, there has recently been a lack of applicants, and in spite of all efforts by the Sheriff it has been impossible to keep up the authorized strength. The situation is further aggravated by a large turnover of 25 to 40% caused by low morale of the guards.

The Sheriff is asked his opinion by the Department of Reform Institutions on the appointment of the Governor. Such appointments and those of the senior officers are made by Order-in-Council on the recommendation of the Minister of Reform Institutions. Sheriff Conover, the present Sheriff, agreed to Governor Brand's appointment when it was suggested by Colonel Basher, although he did not know Mr. Brand. He said that he has found Mr. Brand an excellent officer, co-operative, interested, and with constructive ideas.

With regard to the other officers, I gathered the Sheriff's opinion to be that there was difficulty in finding officers with sufficient executive ability for the senior posts. He was, however, of opinion that the Chief Turnkeys generally were capable.

Careful consideration has been given by me to the functions performed by the Sheriff. There is no doubt in my mind that the three-fold control causes confusion. The Governors were frank in saying they were in doubt as to where to look for their orders. I have no doubt also that their authority was limited. I think that a capable Governor, with adequate assistance, should be able to carry on without the assistance and control of the Sheriff. I realize the situation is

entirely different in other counties; jails are often small, with limited staff, and the close supervision of a responsible official, such as the Sheriff, is eminently desirable. Toronto is however the headquarters of the Department of Reform Institutions. Also here the Sheriff is located in the City Hall, which is nearly three miles from the jail. As he has no office in the jail his difficulty in exercising supervision is apparent. There is obviously much duplication in the hiring of guards, which a qualified jail staff should be able to eliminate. All officials questioned by me at the hearings agreed that the Sheriff might well be eliminated from the set-up.

(c) Provincial.

The Department of Reform Institutions is charged with the administration of The Jails Act, R.S.O. (1950) Chapter 188, which provides for the administration and inspection of jails. This Act (section 9) furnishes machinery to remedy the situation if an Inspector finds the common jail in any County or City "to be out of repair, unsafe or unfit for the confinement of prisoners or..... if it does not afford sufficient space or room for the number of prisoners usually confined therein." After a conference between the Inspector and a Committee appointed by the municipality, the matter is referred to the Lieutenant Governor in Council. The County Council is required to provide for the making of repairs, alterations or additions as required by the decision of the Lieutenant Governor in Council.

Prior to 1948 The Municipal Act provided that the Sheriff, in addition to having the care of the County Jail, "shall have the appointment of the jailor, jail

surgeon and other officers of the jail." Since 1948, however, the authority to appoint the jailor, jail surgeon and other jail employees and fix the salaries payable by the County or City is vested in the Lieutenant Governor in Council.

The Department of Reform Institutions is also vested with the administration of The Penal and Reform Institutions Inspection Act, R.S.O. (1950) Chapter 273, and under this Act a jail under The Municipal Act is a "penal and reform institution subject to the Act."

The Toronto Jail is regularly inspected by Inspectors of the Department of Reform Institutions, who report through the Deputy Minister to the Minister. Mr. Gourlay, the Chief Inspector, and Inspectors Ayres and Irvine, who made inspections of the jail prior to the escape, were called as witnesses. It is obvious that with sixty two institutions in the Province to inspect, close supervision cannot be maintained by the present staff. The reports indicated that general conditions were good, as were discipline and management. Some improvements in security were suggested, which were carried out by the City. There was, however, no condemnation of the unsatisfactory conditions disclosed by this report, or a finding of insufficient accommodation under section 9 of The Jails Act. Undoubtedly these conditions had existed for so long that some complacency had arisen.

It is conceded that inspections by the Provincial Inspectors was not as detailed as those by the jail officers; emphasis is placed on the carrying out of the Departmental Regulations for Reform Institutions (Exhibit 5); complaints are heard from prisoners, and there

is a check-up on discipline and interior economy. As previously pointed out, however, there was no knowledge of special security instructions given by the Deputy Minister with regard to the prisoners in No. 9 Hospital, hence no effort was made to see that these were carried out.

Although, as I say, close supervision cannot be maintained by the present staff of the Inspection Branch of the Department of Reform Institutions, it is obvious that the Governor operates directly under the authority of the Department, and must have recommendations for any important changes approved by the Department. The Department exercises control by bulletins issued from time to time.

MORALE

Practically all witnesses called agreed that the morale of the custodial staff of the jail was low. There are a number of reasons for this. In the first place, the work is exacting and hazardous. The hours are long; six days of eight hours each (less one hour for lunch) per week. While on duty a guard is not allowed to leave the jail without permission. The jail is often grossly overcrowded; with a capacity of 381 prisoners there have been as many as 621. Guards have to go alone, and unarmed, into corridors containing dangerous prisoners. During the daytime there is a constant movement, which has to be supervised by the guards. Another contributing factor is lack of promotion. In addition, the following factors have adversely affected morale:

(i) Pensions.

Before 1946 guards received a pension from the City. By legislation in that year the power to grant such pensions was revoked. In 1948 authority to provide pensions was again enacted. Unfortunately, two guards retired in the interim and received no pension allowance whatsoever; one of these, Alfred King, is still alive. Obviously he has been unfairly treated, and special provision should be made for him. His situation is known and affects the morale of all the staff.

Under the legislation passed in 1948, a pension may be obtained, but it is necessary for old employees to make a cash payment to cover back payments in order to obtain pensions under The Public Service Act. A number, including senior officers, have been unable to raise the necessary amount. For example, Deputy Governor Noble would have to pay some \$4,000.00.

(ii) Days Off.

Also prior to 1948, one and a half days per month was allowed for sick time, and if not used these days could be accumulated to a maximum of six months. These were cancelled without notice (although many of the staff had substantial accumulations) as it was considered there was no statutory authority since 1948 to make the payments. Although sick pay regulations are now again in force, there is considerable absenteeism caused by reason of the desire to take full advantage of sick time, as there is a feeling that accumulations might again be cancelled.

(iii) Salaries.

In the past, particularly during the depression, the position of guard at the jail was

considered a desirable one, and this resulted in a good type being appointed. It is now most difficult to attract the desired type, largely because of inadequate remuneration. This, in my opinion, applies to senior officers as well as guards.

In 1946 the remuneration of a guard (turnkey) was \$1400.00, plus \$168.00 cost of living bonus, which was the same as for civil servants. In this year the cost of living bonus was incorporated in the salary, which was fixed at \$1600.00.

In 1948 there was an increase in the starting rate to \$1750.00. In the same year the Provincial Government commenced paying a cost of living bonus, but owing to a disagreement respecting the legal position, Toronto guards were never paid this. This unfortunate difference of opinion resulted in considerable delay in increases for the guards.

In 1951, as a result of representations by the guards and the Sheriff, the starting salary was raised to \$2240.00. An increase was given to other guards, bringing their salary to \$2400. It was also provided that the guards would get an increase of \$100.00 per year, if recommended, up to a maximum of \$2640.00.

While these increases have been substantial, it is obvious that they have not kept pace with the general increase in other wages during the period. The present wage is lower than that of much unskilled labour, and married men complain that they are unable to live on the money. The amount received should be compared with the wages of police in the Toronto area (Exhibit 81) and with those for similar duties. For example, at Burwash guards are paid \$2340. to \$2640., but are provided with very low

rental quarters: a single man pays only \$26.00 monthly for room and board.

At the hearing it was reported that the salaries of guards was presently under review. Undoubtedly the matter must be speedily settled. In addition, the salaries of the senior officers should be carefully reviewed, to make sure that men of adequate ability are attracted.

While the Governor is provided with a house, this in effect keeps him on duty 24 hours a day. He receives in addition to the house \$4,000.00, plus heat, light, etc.

The Senior Deputy Governor is paid \$3300.00; the Deputy Governor \$3140.00, and the Chief Turnkeys receive less than \$3000.00. The difficulty of obtaining men with good executive ability for this kind of remuneration is apparent.

(iv) Status of Employees.

Witnesses also agreed that the morale of the employees is materially affected by uncertainty concerning their status. Jail employees in the past were no doubt municipal employees. It has now been ruled that they are Provincial employees, but their salaries are paid by the municipality. When applications have been made to the Provincial authorities for an increase in salary, the employees have been informed that while the Government has the power to fix the salaries, these are paid by the City and the Government hesitated to raise them unless the City agreed, and therefore it would be advisable to approach the municipal authorities. On the other hand, the municipal authorities have taken the stand that the matter is up to the Province, and the

City contends that it has never objected to pay any increases indicated by the Province. Undoubtedly this uncertainty must be removed, and the status of jail employees as Provincial employees should be recognized.

(v) Adequacy of Staff.

There is no doubt in my mind that the staff is overworked. Quite apart from the factors mentioned above, I have formed the opinion, upon the evidence, that the authorized staff of the jail is not large enough. To remedy what I consider is a dangerous situation, I think the staff should at once be increased to 95 custodial officers, divided into 40 men on the day shift; 28 on the afternoon shift, and 22 on night shift, with 5 extra men for emergencies, such as sickness, etc.

PART IVADEQUACY OF THE JAIL BUILDING.

The building of the Toronto jail was completed in 1869. When opened it was considered one of the finest penal institutions on the continent. It was intended for prisoners serving short sentences and for those on remand. The capacity of the jail, as already mentioned, is 341 male prisoners, and 40 female prisoners. Details are given in Exhibit 12. If the type of prisoners were now the same as that for which the jail was originally designed, and the number of prisoners were kept within the limits of accommodation, in my opinion the jail is still reasonably adequate. Unfortunately, however, the jail has become in effect a miniature penitentiary. Since it was opened the population of the area to be served has increased about fourteen times. The jail has to serve as a clearing house for all prisoners of the County. It is true that only those prisoners serving very short sentences, or those necessary for the maintenance of the jail itself, are kept in the jail. The other short-term prisoners are looked after in Provincial institutions: any serving sentences for three months and longer are definitely removed. Unfortunately, however, there is always a considerable population of dangerous criminals, of what is termed the "Kingston type." A number of these are on remand awaiting trial. Also men sentenced to the penitentiary, who have not signed a waiver of appeal, are entitled to remain in the jail for thirty days. It is not uncommon for experienced prisoners to wait until the last day and then serve notice of appeal.

This involves further delay for transcription of evidence, preparation, etc. The prisoners often ask for adjournments in order to remain in the jail. A large number of appeals are frivolous, many being in writing. Lately the number of abandoned appeals has been increasing. In addition, new trials are sometimes ordered by the Court of Appeal; two trials and two appeals are not unusual. The time involved in this can well be realized. Not infrequently prisoners remain in the jail up to two, or even three years. At one time twenty ringleaders of a revolt at Burwash Industrial Farm were sent to the Toronto Jail when it was overcrowded. The shortness of staff to cope with this situation is obvious, and a most unsatisfactory, and in fact dangerous, condition has resulted, which should be remedied with the least possible delay.

Overcrowding.

It is clear that in the past the jail has been grossly overcrowded. As mentioned above, as many as 621 prisoners were there on one occasion. An effort has been made to keep this down by moving prisoners as quickly as possible; nevertheless, the Governor has no option but to admit prisoners sent him. It is obvious that overcrowding will result again in the future, particularly in the Winter, during which season the jail population is highest.

Quite apart from the number of prisoners, the jail is inadequate because of the great turnover. There have been as many as 169 new prisoners in one day. As many as 150 have been known to be admitted on a Sunday, and half of these bailed out by the afternoon. Over 20,000 a year pass through the jail, or approximately

one-third of all the prisoners in Ontario. Apparently in the daytime it is rare if there is not a patrol wagon of some kind or another at the admittance door. The handling facilities for this turnover are entirely inadequate. Sometimes as many as fifty prisoners are waiting in what is known as the "bull pen" with little supervision.

Security.

There is no doubt that security of the jail building is as good as when it was built. It is not as old as many jails in this country and in the United States. The location is satisfactory, as a clearing house must be central. It is clean and sanitary. On the other hand, the jail is well behind the times by modern standards. Naturally it is obsolete, and the weight of evidence is that it cannot be satisfactorily modernized at a reasonable cost. The principal reason for this is because the cell walls are carrying walls. The cells are small and have no plumbing fixtures. The security is inadequate to deal with the "Kingston type" of prisoners.

It has been mentioned that it is impossible to lock and unlock cell doors except by an unarmed guard going into the corridors filled with dangerous prisoners. Modern jails have automatic locking devices which may be operated outside grills at the end of corridors. It is also impossible for a guard at the end of a corridor to see into the cells, and prisoners in corridors have access to the windows. With modern design there is a corridor next to the windows which guards may patrol and look into individual cells. While tool proof steel is very expensive, and only necessary

in certain places, the steel used for bars in the Don Jail is outmoded.

Dining Room.

Generally speaking, all prisoners are fed in the dining room, which accommodates one hundred men, and which is reached by a gallery in the "dome". As there are no facilities for feeding prisoners in the corridors, even dangerous prisoners must be moved into the dining room, with inadequate supervision.

Mental Hospital.

This is located in a room 23 ft. by 38 ft., which is said to have space for twelve beds. It is generally fairly full and often overcrowded. All prisoners remanded for mental examination are put in this hospital, whether violent or not. There are no facilities for quietening patients other than sedatives, and violent patients have to be tied to the bed. This is only supposed to be done under orders of a doctor, but it does not need much imagination to suspect what might happen when the doctor is not readily available. Two prisoners act as orderlies.

The Toronto Psychiatric Hospital was designed to look after this type of prisoner. Unfortunately this is impossible due to the capacity of that hospital, which has only sixty beds and has to handle all patients in the city including those without criminal elements. It is apparently not unusual that a man guilty of no crime but suspected of insanity is charged with vagrancy in order to get him into custody for examination. He goes to the jail mental hospital.

In my opinion the situation in the mental hospital can only be described as disgraceful in a modern community.

Tombs Prison.

As an example of a modern prison, a description was given by Colonel Basher of the newly erected Tombs Prison, in New York City. This is a 22 storey building situated on a busy thoroughfare. On the lower four floors all tool-proof steel is used. There are automatic electric alarm devices. There are no stairs, and the cell corridors can only be reached by elevators, furnished with safety devices. There is piped-in tear gas, and X-rays for searching purposes. The cells are 9 ft. by 9 ft., much larger than the Toronto jail, and are all fitted with plumbing fixtures. There are 955 individual cells, which are operated with 113 men, of which 18 are on night duty. As in Toronto, there are many dangerous prisoners, and there is a turnover as high as 400 per day. There is also what is known as a "gang" locking system.

In 1941 this building cost six and a half million dollars, and it is estimated that it would cost at least double that at the present time. A jail of this size and description would ideally suit the County of York, but regard must obviously be had to the huge cost, and to the existing facilities at the Don Jail, which are reasonably adequate if confined to the purposes for which they are suited. The quarters are not unsuitable for short-term prisoners. Thirty-five per cent of the inmates are serving five-day sentences for drunkenness, and a great many more are on short terms. I think, however, that it is obvious that a new security wing is essential, and there should be increased handling facilities. In addition, a proper hospital should be provided, with at least thirty beds, to handle both mental and other cases, unless accommodation for mental cases could be provided elsewhere.

PART V.JAIL STAFF.Duties.

The appointment of the jail officials has been dealt with in Part III. The duties of the jail officials are to some extent defined by the regulations made under The Public Institutions Inspection Act (Exhibit 5), otherwise they are detailed in orders issued by the Governor. There are in existence order books for guards and for Chief Turnkeys, which should be signed by the officers concerned acknowledging the written orders. It is clear, however, that probably owing to lack of time, among other reasons, these order books are not up-to-date (see Exhibit 73). In fact, in some instances they are directly contrary to verbal orders which have been issued. The witnesses called indicated that there was considerable confusion about orders. It is obvious that this situation must be remedied. Wherever possible orders should be issued in writing and acknowledged by the personnel concerned.

Discipline.

In spite of the low morale described in Part III, the discipline of guards is generally good. While, for reasons we have seen, it has been difficult to obtain men of the desired qualifications, I definitely formed the opinion that the guards generally are of a good type. The employees struck me as conscientious and hard-working under trying conditions. Undoubtedly some employees do the work of others not so efficient. This must be remedied; inefficient members of the staff must be relieved of responsible duties or weeded out as

satisfactory replacements are obtained, and suspects discharged.

Apart from Morrison, whose case I have already dealt with, the evidence given before me fell far short of establishing connivance with prisoners on the part of anyone on the jail staff. However, some suspicion was cast on one man, who was suspended, and from what I have said it is clear that the possibility of inside assistance can by no means be dismissed.

The personal history and records of the members of the staff have been filed as Exhibit 9. I do not think there is anything to be gained by summarizing these except in the case of senior officers. It would be obviously unsatisfactory for me to give my opinion of the capabilities of the various guards merely from having seen some of them in the witness box. Close observation of their performance of duties is essential for a proper assessment. I have, however, made some observations concerning individual guards in Part II.

The present staff of the jail consists of the Governor, Senior Deputy Governor, Deputy Governor, 4 Chief Turnkeys, 56 Turnkeys (Guards), 2 Counsellors, 1 Cook, 1 Property man, 1 Clothing man, a Bookkeeper and 2 assistants, 1 Clerk, 3 Engineers, 1 Surgeon and 1 Male Nurse, a total of 84. In the female section there are 7 Matrons.

Thomas W. Brand, age 43, is the present Governor of the jail, and is now under suspension. Before the last war he was engaged in farming. He joined the army early in the war as a gunner. He worked up through the ranks to Regimental Sergeant Major, which rank he held when he

retired in 1946. He served from D-Day until the end of the war in Europe, and was awarded the M.B.E. He joined the Department in August, 1946, as a guard at Burwash. He was first promoted to second in command of a shift, and then placed in charge of an outlying camp, with the rank of Sergeant. While in this position there was a riot at Burwash, which did not spread to his camp. This impressed Colonel Basher, who six months later had Mr. Brand promoted to be his Assistant Superintendent at Guelph Reformatory. He held this position until the end of January, 1952, when he was moved to the Toronto Jail. After being with Governor Sanderson for a week he took over as Governor on the 6th February, 1952.

The conditions described in this report were generally in existence at the time he took over, and Mr. Brand obviously did his best to cope with a most difficult situation, his authority being restricted as described. As we have seen, it was only a little over a month after his appointment that Boyd was returned to the jail.

Mr. Brand made a number of recommendations, which were mostly carried out, with regard to improvements and security, among which are the following:

1. He restricted traffic behind the jail;
2. Improved facilities for tear gas;
3. Checked up on the number of knives available;
4. Attempted to introduce a system of signing for keys;
5. Placed an armed rifleman on the Isolation Hospital overlooking the exercise yard during exercise;
6. Stopped possibilities of inmates getting where the bars had been sawed for the November escape;

7. Worked out with the police an electric alarm system, operating from the Dome, from his office, and from his residence, which would bring 50 police to the jail in three minutes.
8. Had blankets removed from the tables in the corridors;
9. Searched the exercise yard with a mine detector, finding a tin cup, shoe horn and a pair of pliers;
10. Had a night light put in No. 3 Hospital.
11. Improved the plumbing fixtures in No. 9 Hospital to minimize chance of hiding contraband;
12. Had fences erected outside the admitting door;
13. Recommended concertina wire on top of the jail walls;
14. Recommended more floodlights;
15. Recommended change of the vehicle park;
16. Recommended steel cabinet for arms and tear gas;
17. Recommended more fasteners on window screens;
18. Recommended that all jail employees be finger-printed and photographed;
19. Recommended a new grill be placed at the front entrance;
20. Recommended that the exercise yard be paved;
21. Recommended that a lever locking system be provided for No. 9 Hospital and the Kingston corridors.
22. Recommended that No. 3 Hospital be divided into a four cell unit like No. 9 Hospital.
23. Recommended that a Visitors' Waiting Room be provided outside the jail.

From what has already been said, Mr. Brand's difficulties may well be realized. It was a time of strain due to the fact that prisoners knew of riots taking place in other institutions. He was also greatly hampered by the lack of proper assistance. Mr. Jacobs, who was appointed Senior Deputy Governor, was almost at once sent on a staff course at Guelph, where he was injured during a riot, and he did not return until after the escape of the prisoners. Mr. Noble, as we have seen, had been placed by Governor Sanderson on night duty, and the Chief Turnkeys are extremely busy men during their hours of duty. This meant that in effect the Governor had no Deputy and was virtually on duty twenty four hours a day. Naturally he felt the strain of this situation. One must have sympathy for Mr. Brand under the situation described. If he had been provided with an adequate staff the escape might well not have happened. Nevertheless, as I have remarked, I feel that the responsibility of not keeping the four prisoners who escaped under constant supervision fell upon his shoulders. I have reached the conclusion that Mr. Brand did not have the executive ability nor experience to cope with the difficult situation with which he was faced, and which to a considerable extent still exists. He is an energetic and conscientious employee, and undoubtedly will be a useful servant of the Department in years to come. It must, however, be realized that he only had about six years experience in penal institutions, a considerable portion of which was in subordinate capacities, when he was appointed Governor.

George E. Jacobs was appointed Senior Deputy Governor in April 1952, on the recommendations of Mr. Brand and the Sheriff, no doubt with the approval of the Departmental Inspectors. He has been with the jail twenty two years, and has performed in every capacity. He joined the Department after being with the Royal Canadian Regiment from 1921 to 1926, having been discharged with the rank of Corporal. As previously stated, he was absent at the time of the escape. He was, however, on duty three nights relieving Noble just before he left to take the staff course at Guelph. Mr. Jacobs testified he had an order that a man should be in No. 9 Hospital at all times, but he was perfectly frank in stating that he did not have enough men to do so. Mr. Jacobs impressed me as a conscientious officer, capable of carrying out his duties under proper direction. It should be noted that he has never actually performed the duties of Senior Deputy Governor.

Alexander Noble, age 60, now under suspension, is Deputy Governor, and has held that office for three years. However, he has always acted as Chief Turnkey, or has been in charge at night, and has never performed the duties of Deputy Governor. He has been at the jail since 1927, and is obviously experienced. I think he also is a conscientious officer. Mr. Noble had nothing against his record and was apparently well thought of by Governors until the regime of Mr. Sanderson, who, as already related, did not take a similar view, and evidently passed on his views to Mr. Brand when the latter was appointed Governor. As previously stated, there was a determined attempt made by the Governor and others to place the blame for the

escape on Mr. Noble, which I do not think was justified. While Mr. Noble's supervision and work at night might in some respects have been improved upon, in my view he did the best that could have been reasonably expected with the means at his disposal. He never ceased to complain of the dangerous situation due to inadequate staff. Mr. Noble, to my mind, had a much better idea of the situation at night than Mr. Sanderson or Mr. Brand. For instance, he pointed out that sometimes there were two to three hundred men to be fed between 5 a.m. and 7 a.m. in the one dining room, holding only one hundred, and there are only 90 cups. This, and the other work described, had to be handled with as low as five men. However, as explained, he has never actually performed the duties of Deputy Governor, and it is impossible for me to decide as to his executive ability.

Unfortunately, but perhaps not unnaturally, bad feeling exists between Mr. Jacobs and Mr. Noble, which has resulted in an intolerable situation. Each is continually reporting the other to the Governor, and complains that the other one is not telling the truth.

Alfred M. Bennett has been a Chief Turnkey for three and a half years. He has had twenty four years service, and consequently is not young. He was on duty relieving Noble the night before the escape. His idea of the orders and procedure at night coincide almost entirely with that of Noble. He also impressed me as a conscientious employee.

William J. Woodside has been a Chief Turnkey for one year and five months, after eight years service. He had an excellent military record and was in the Imperial

and Canadian armies for twelve years. He was awarded the Military Medal. He struck me as being energetic and efficient. In evidence he said: "Orders both verbal and written came out so fast you cannot keep track of them. You would need a secretary to keep track."

John W. Johnson has been a Chief Turnkey since 1949, after seven years service at the jail. He has, however, been with the Department since 1929. He also seemed confused about the night time orders.

George A. Heath has been a Chief Turnkey for nearly four years. He went to the jail in 1946. Mr. Heath impressed me as definitely energetic and with ideas. He indicated in evidence that there had been considerable slackening of discipline of prisoners and that guards in some instances were not backed up when they made complaints. This, however, he says, is much improved since the escape.

I concur in the view of Governor Brand that all four Chief Turnkeys are capable of carrying out their duties. They take turns on the two day-shifts and relieving Noble at night. Sometimes there is an extra Chief Turnkey available for assistance during the daytime.

MEDICAL STAFF.

Dr. William H. Hills has been the Jail Surgeon for five and a half years. He has had considerable training in other penal institutions, and is, I feel, fully qualified for his position. He agrees that the mental hospital is totally inadequate. He would also like to

see the general hospital accommodation improved, although serious cases are immediately sent to the Toronto General Hospital. He examines all inmates as soon as they are admitted. A few complaints reached the Commission to the effect that cases had not been attended to. However, the Provincial Inspectors, Governor, and Chief Turnkeys all testified that they gave prisoners full opportunity to make complaints, and investigated all that were made. They said that on investigation, any complaints that came to their attention concerning medical attention were found unjustified.

His work is very onerous; for example, sometimes on Mondays one hundred men have to be examined. While there have been some cases of drugs being smuggled into the jail, Dr. Hills felt certain that this happened very seldom.

Dr. Gordon A. McLarty is a specialist in nervous and mental diseases on the staff of the Toronto General Hospital. Since 1934 he has done mental examinations at the jail, and he substitutes for Dr. Hills when that doctor is away. Dr. McLarty deplored the fact that all mental cases, violent or otherwise, had to be placed in one ward. He also suggested that there could be improvement in the existing jail hospitals for non-mental cases.

In addition to the doctors, there are three men employed as guards and assigned as medical orderlies. Two of these have mental experience. One of these is on duty at all times, working directly under the instructions of the doctor.

PART VI.TREATMENT AND DISCIPLINE OF PRISONERS.Treatment.

There is no suggestion of any brutal treatment of the prisoners. In fact, the evidence indicated that the recent tendency had been to relax restrictions. Commencing with Mr. Sanderson, efforts were made to occupy the prisoners' time by the introduction of such games as Quoits, and a substitute for bowling in the corridors. These changes were said to be beneficial except that some privileges given had to be cancelled because of abuse.

Governor Sanderson has made a considerable study with regard to the treatment of prisoners, and has lectured on this subject at Provincial staff courses. The treatment of jail prisoners is a difficult problem because the short stay of most prisoners prevents introduction of educational and occupational systems usually in force in reformatories.

Two Counsellors have been appointed, whose duties are to look after the needs of the prisoners. They supervise recreation, talk to the prisoners, look after outside errands for them, and supervise the purchase of newspapers, tobacco, etc.

I think it is obvious that every prisoner who is charged by a guard is given a fair trial, and I am convinced his complaints are given serious consideration by the Governor and the Inspection staff.

In general, the treatment of prisoners should be described as good.

Comfort.

While prisoners during daytime have the run of the corridors outside the cells, their general comfort could undoubtedly be better. The cells are very small and have no toilet facilities, necessitating the use of night pails. Daytime toilet and washing facilities are available in the corridors. There are, however, beds with sheets and pillow cases, as well as blankets. There has never been any complaint about the heating.

I have already mentioned the fact that due to overcrowding beds have often to be placed in the corridors, under most unsatisfactory conditions.

Food.

All senior officers, including the Inspection staff, were of opinion that good food was purchased, and it was prepared in an appetizing way. There is an experienced Chef, and prisoners assisting in the cooking are well supervised. Special attention is given to the service of meals; for instance, even when these are served in the corridors tablecloths have been provided.

I am convinced that careful attention is given to the food by the Provincial Inspectors, whose visits are surprise ones.

The principal difficulty with the food is its monotony, as menus cannot be changed much more than weekly. While good fresh meat is obtained, it is of course not of the best cut, and probably not too well seasoned. Menus were filed (Exhibit 64) and they certainly appeared adequate.

I must find the jail food is good and compares favourably with other penal institutions.

Clothing.

Apart from the security element, which I have dealt with elsewhere, the clothing issued is adequate and suitable.

Discipline.

The evidence of some witnesses indicated that there had been deterioration in the discipline owing to the relaxation of rules for recreational facilities. Since the escape, however, there has been considerable improvement, and I now feel that discipline of prisoners is 'good'.

Examination of the punishment book indicates that strappings of prisoners have been ordered to about the same extent by all recent Governors. Penalties awarded were similar. Some of the penalties strike me as rather small: for instance, three days solitary confinement for being in possession of a file. Also the evidence disclosed that prisoners, in particular Leonard Jackson, made repeated efforts to bribe employees. While these were almost invariably reported, no steps were taken to discipline the prisoners. I think prisoners should understand that any attempt to win over a guard would be seriously regarded.

I received through the mail bitter complaints regarding treatment, from Watson, who I have already mentioned as an associate of Boyd et al. I therefore made careful enquiry into the circumstances of which he

complained. It appears that after the escape there was considerable unrest in the jail. Mr. Graham, the Acting Governor, heard a persistent rumour that there would be disturbances in the dining hall. He therefore ordered feeding in the corridors of the "Kingston type" prisoners. The prisoners would not eat, and tension increased; they plugged cell keyholes to prevent locking of the cells, and packs had to be removed by the guards. Some prisoners regarded as dangerous were moved, but other prisoners commenced to cause noise. Upon the Governor speaking to them, what is known as "jammering", i.e. the making of continuous hub-hub or hammering with cups, etc. commenced. Five ring-leaders were picked out and tried, and on what the Governor considered ample evidence they were convicted and sentenced to the strap. The approval of the Deputy Minister was necessary for this sentence. This was promptly obtained as he happened to be in the jail superintending operations. Colonel Basher and Mr. Graham, and other witnesses, were definite that Watson was defiantly insolent both to the Deputy Minister and the Governor, apparently in the belief that the strap would not be administered. Undoubtedly this firm application of disciplinary measures has had beneficial results. I feel also that a further improvement in discipline is bound to result after an adequate staff is provided and proper security quarters provided for dangerous criminals.

Exercise.

Exercise is provided for in the Provincial Regulations, and to my mind is adequate. In fact I think that Regulation 47 (see Exhibit 5) is in need of

amendment to give more discretion to the Governor to restrict exercise in the open air. Under the Regulations at present framed it is stated: "Every prisoner should be allowed out unless he is under sentence of death, attempts to escape, is found to be plotting to escape, or misconducts himself." This excludes close supervision of dangerous criminals and those who have attempted to escape or have caused trouble on other occasions while in custody.

PART VII.RECOMMENDATIONS.

The following recommendations are respectfully made:-

- (1) Obviously the chain of responsibility at the jail is not working. There must be a new set-up of the Senior Officers, including:
 - (a) Appointment of a Governor of sufficient executive ability, with full responsibility to clear up the present situation;
 - (b) His salary should be adequate to attract someone with the necessary qualifications;
 - (c) He must be given full authority and sufficient administrative assistance so that he will, as far as possible, be relieved of detail. Weight must be given to his recommendations as to appointment of assistants.
- (2) A review of salaries of jail employees should be instituted immediately. Salaries should be fixed at amounts which will attract the desired type of employee, and are comparable with wage rates in the area and those for similar duties. The authority to do this rests with the Province; I was assured at the hearing that the City authorities would have no objection to paying salaries so fixed. Jail personnel should be definitely recognized as Provincial employees.

Earnest consideration should be given to the matter of pensions; the situation is described p. 35 supra.

- (3) The staff for the present accommodation should be increased to approximately 95 custodial officers, divided into 40 on day shift, 28 on afternoon shift, and 22 on night shift, with 5 extra for emergencies.
- (4) A system of training of new guards is essential. The increased staff should render this possible.
- (5) After the appointment of a Governor with adequate assistance, I think that existing legislation should be amended so as to relieve the Sheriff from all responsibilities connected with the jail.
- (6) There should be more attention given on inspections by the Provincial staff to security measures: examples are the lack of check-up in the handling of keys (described on pages 26 and 27), and the inadequate inspection of window bars in the daytime when cell corridors are empty.
- Consideration might be given to an increase in the inspection staff.
- (7) A new security wing, capable of accommodating 250 of the more dangerous type of prisoners, should be built without delay, on land adjacent to the jail owned by the City. It could be connected with the existing building by tunnel or otherwise. The new building should be provided with safety cell blocks and other modern security measures. If construction is not promptly undertaken by the Municipal administration, the procedure set out in section 9 of The Jails Act may be invoked; most of the conditions described in subsection (1) of section 9 in my opinion definitely exist. The

new wing could be added to from time to time as need arises, until ultimately the old building is superseded.

The Governor should have full authority to designate what prisoners should be detained in the new security wing.

(8) If arrangements cannot be made to handle mental prisoners somewhere else, a new hospital to contain 30 beds should be constructed, possibly in the new wing, for all sick including mental patients. In any event the present mental hospital should be closed. Trained staff, instead of inmates, should be provided for mental patients.

(9) While I am convinced the present jail building cannot be efficiently modernized, some improvements in security should be made: for example, improvement in the window screens in the corridors. Since the escape much has been done, such as reconstruction in No. 9 Hospital, improvement of walls around the jail, and exterior lighting.

(10) It is essential that adequate handling facilities be provided to look after the huge turnover of prisoners. These facilities may have to be provided in the new wing.

(11) Regulation 47 should be amended to increase the Governor's authority regarding restriction of exercise of dangerous prisoners (see page 56), and he should have full authority with respect to security measures for such prisoners.

(12) For security reasons clothing issued to

prisoners should be marked so that it may so be easily recognized in case of escape.

In conclusion, I should like to express my appreciation to Counsel for their helpful presentation of the evidence. I am also grateful to Inspector Kelly of the Ontario Provincial Police, and Det. Sgt. Simmons of the Toronto Police, for their assistance in preparation and at the hearings. I also wish to thank the other police officers who testified, particularly Det. Sgt. Inglis for his excellent model of the jail and the photographs submitted (Exhibits 3 and 4).

EXHIBITS

1. Commission appointing His Honour Judge Macdonell.
2. Selected relevant Statutes of Ontario.
3. Photographs of Jail (1 to 20).
4. Scale Model of Jail.
5. Regulations made under The Public Institutions Inspection Act.
6. Regulations made under The Municipal Act.
7. Civil Service Commission of Ontario re employment of jail guards.
8. List of employees of Toronto Jail.
9. Personal files of all jail employees (3 tied bundles).
10. Blueprint plans of Toronto Jail.
11. Cell key and lock.
12. Summary of Accommodation of Jail.
13. Report of Evidence taken at investigation by T. Gourlay et al, September 8, 1952.
14. Letter dated August 14, 1952; Mayor Lamport to Major Foote.
15. Memorandum dated August 15, 1952; Colonel Basher to Mayor Lamport.
16. (a) and (b) Files pertaining to ex-Guard James Morrison.
17. Copy of Information and Complaint re ex-Guard Morrison.
18. Statement of cost for salaries and maintenance, September 10, 1952, re Jail.
19. Inspection Report of Mr. Ayres, March 12 & 13, 1952.
20. Two Inspection Reports of J. Irvine; August 11, 1952, and R. Ayres of June 4, 1952.
21. Inspection Reports of 1950-1951.
22. Charts of Watchmen's Clock, Inside Patrol.
23. Charts of Watchmen's Clock, Outside Patrol.
24. Two files re dismissed guards Bennett & Latimer.
25. Copy of Order-in-Council, #OC 2207/51, re Bonus.
26. Breakdown of Toronto Jail Count as at 2.30 p.m. October 21, 1952.
27. Specimens of Departmental Bulletin of T.M.Gourlay
28. Chief Turnkey's report, September 7, 1952 (Heath, Woodside and guard's reports attached).



29. Specimen copy of guard's report.
30. Jail Inspection Reports of Ayres (October 10 & 11, 1951); Harden (August 8, 1951), and Lough (May 8, 9 and 10, 1951).
31. Metal "key" found on Boyd.
32. Inspector Ayres report after investigation, November, 1951.
33. Memo. of Minister of Dept. of Reform Institutions, dated November 23, 1949.
34. 1951 Annual Report of Dept. of Reform Institutions.
35. Copy of letter April 10, 1952, McMahon to Conover; letter April 17, 1952, Conover to Basher; copy of letter April 18, 1952, Basher to Conover.
36. Correspondence of Sheriff Conover re purchase of fluoroscopic unit.
37. X-ray photographs of Len. Jackson's boot.
38. X-ray photographs of Len. Jackson's civilian shoes.
39. Correspondence of Sheriff Conover, June 13, 1952, to Major Foote and Mayor Lamport; letter April 10, 1951, to then Mayor McCallum; and reply April 21, 1951.
40. Grand Jury Reports.
41. Three sawed bars.
42. Photograph of escape window (Dr. Smith).
43. Three pieces of cardboard from window ledge.
44. Wood form of key.
45. Pieces of newspaper found in #9 Hospital.
46. Two hacksaw blades.
47. Scale model of escape window.
48. Criminal records of the four escapees.
49. Deputy Governor Noble's report of 11:7 Shift, September 7 and 8, 1952.
50. Letter to Sheriff Conover concerning shortage of staff from Governor Brand, dated April 23, 1952; Gourlay letter to Sheriff Conover, April 28, 1952.
51. Copy of Governor Brand's Instructions to guards and other extracts from Order Book.
52. Copy of letter, Governor Brand to Sheriff Conover, dated August 25, 1952, re fences and barbed wire.
53. Copy of letter Governor Brand to Gourlay, dated August 8, 1952, re fingerprinting jail employees.

54. Copy of letter, Governor Brand to Sheriff Conover, dated August 26, 1952, re exercise yard (hard surfacing).
55. Report Book of Outside Patrol.
56. Sample of steel now used in #9 Hospital.
57. Report of Supervision and Police Patrol at Toronto Jail area, from 12 midnight to 7 a.m. September 8, 1952.
58. Copy of written instructions re operation of alarm at Jail.
59. Specimen form of certificate for nightwatchman introduced by A. Noble.
60. Governor Sanderson's Instructions to Mr. Noble, dated December 8, 1951.
61. Attendance registers for June 30, July 1, 2 and 3, 1952.
62. Key Inventory made September 13 and 14, 1952.
63. Memorandum to Turnkeys, dated May 3, 1951, Governor Sanderson, re keys.
64. Toronto Jail Nenu, November 6-15, 1952.
65. Attendance registers 11:7 Shift, July 30, 31, and August 1, 1952.
66. Attendance registers, July 14, 15, 16, 27, 28, and 29, 1952.
67. Copy of letter Sheriff Conover to Governor Rayfield, dated June 19, 1947, re retired guard A. King.
68. Copy of Memorandum of law re jail guards addressed to Controller Lamport, October 20, 1949.
69. Enamel cup and socks, and plaster cast.
70. Attendance registers 11:7 Shift, August 16, 23, 30, and September 6, 1952.
71. Attendance registers 11:7 Shift, August 2 and 9, 1952.
72. Attendance registers 11:7 Shift, June 14, 21 and 28, 1952.
73. Loose leaf Order Book for Chief Turnkeys from Governor Sanderson.
74. Copies of letters introduced by Charles Sanderson; Virgin to Conover August 29, 1951; Cunningham to Virgin, August 7, 1951; Frost to Sanderson, November 19, 1951.
75. Copy of lecture delivered by Sanderson to staff course.
76. Copy of statement given by Boyd to John Nimmo.
77. Copy of statement given by Valent Lesso (Suchan) to John Nimmo.

- 78. Copy of statement given by W.R.Jackson to John Nimmo.
- 79. Copy of statement given by Boyd to Inspector Frank Kelly.
- 80. Copy of statement given by W.R.Jackson to Inspector Kelly.
- 81. Memorandum of salary range for constables, Toronto area.
- 82. Department of Transport Monthly Meteorological Report, September, 1952.
- 83. Historical data re Toronto Jail.

January
2015

GRAND & TOY LIMITED
TORONTO

928

